

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JIAXING SUPER LIGHTING ELECTRIC
APPLIANCE CO., LTD. AND OBERT, INC.,

Plaintiffs,

V.

CH LIGHTING TECHNOLOGY CO., LTD.,
ELLIOTT ELECTRIC SUPPLY INC., AND
SHAOXING RUISING LIGHTING CO., LTD.,

Defendants.

CASE NO. 6:20-CV-00018-ADA

JURY TRIAL DEMANDED

**DECLARATION OF MATTHEW C. BERNSTEIN IN SUPPORT OF PLAINTIFFS’
MOTION TO EXCLUDE ERIC MARSH**

I, Matthew C. Bernstein, declare as follows:

1. I am an attorney with the law firm of Perkins Coie LLP, counsel of record for Plaintiffs Jiaxing Super Lighting Electric Appliance Co., Ltd. and Obert, Inc. I submit this Declaration in support of Plaintiffs' Motion to Exclude Eric Marsh.

2. Attached hereto as Exhibit 1 is a true and correct copy of Defendants' Trial Witness List.

3. Attached hereto as Exhibit 2 is a true and correct copy of Plaintiffs Jiaxing Super Lighting Electric Appliance Co., Ltd. and Obert, Inc.'s Objections to Defendants CH Lighting Technology Co., Ltd., Elliott Electric Supply Inc. and Shaoxing Ruising Lighting Co., Ltd.'s Witness List.

4. Attached hereto as Exhibit 3 is a true and correct copy of an email sent from Miguel Bombach to Robert Hill on September 28, 2021.

5. Attached hereto as Exhibit 4 is a true and correct copy of an email sent from Miguel Bombach to Allison Lucier and Robert Hill on October 11, 2021.

6. Attached hereto as Exhibit 5 is a true and correct copy of an email sent from Miguel Bombach to Allison Lucier and Robert Hill on October 13, 2021.

7. Attached hereto as Exhibit 6 is a true and correct copy of an email sent from Regan Rundio to counsel for the parties on September 20, 2021.

8. Attached hereto as Exhibit 7 is a true and correct copy of an email sent from Allison Lucier to Evan Day, Miguel Bombach, and Robert Hill on October 13, 2021.

9. Attached hereto as Exhibit 8 is a true and correct copy of an email sent from Matthew Bernstein to Regan Rundio on October 14, 2021.

10. Attached hereto as Exhibit 9 is an excerpted copy of the June 1, 2021 deposition Transcript of Umesh Baheti.

11. Attached hereto as Exhibit 10 is a true and correct copy of an email sent from Regan Rundio to counsel for the parties on October 14, 2021.

12. Attached hereto as Exhibit 11 is a true and correct copy of an email sent from Miguel Bombach to Evan Day and counsel for Defendants on October 18, 2021.

13. On the morning of October 19th (Pacific time), Robert Hill from Holland & Knight called me to discuss another matter. At the conclusion of our discussion on that other matter, Mr. Hill said that he had a response to Miguel Bombach's October 18th 8:04 (Pacific time) email (Bernstein Decl. Ex. 11) and that response was that he was confirming Super Lighting's emails from Mr. Bombach and Mr. Day from the previous day and from October 14th. I told Mr. Hill that I thought we should inform the Court of the same, but Mr. Hill stated that in his view there was no reason to confirm anything with the Court. I told Mr. Hill that if we were not going to confirm with the Court, then my team would send him a confirmatory email later in that day.

14. Attached hereto as Exhibit 12 is a true and correct copy of an email sent from Miguel Bombach to Robert Hill on October 19, 2021.

15. Upon information and belief, attached hereto as Exhibit 13 is a true and correct copy of what appears to be the LinkedIn page of Eric Marsh, retrieved on October 20, 2021 from <https://www.linkedin.com/in/eric-marsh-b83b422/>.

16. Attached hereto as Exhibit 14 is a true and correct copy of an email sent from Robert Hill to Miguel Bombach, Evan Day, and counsel for the parties on October 20, 2021.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 20th day of October 2021.

/s/ Matthew C. Bernstein

Matthew C. Bernstein

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 20, 2021, a true and correct copy of the foregoing documents have been served to all counsel of record, via the Court's CM/ECF system.

By: /s/ Matthew C. Bernstein
Matthew C. Bernstein